

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Gene and JoAnne Wegner, 2542 Lillis Lane, Billings, MT 59102
2. Type of action: Application for Beneficial Water Use Permit 43D 30108648
3. Water source name: Bluewater Creek
4. Location affected by project: NWSW Section 21 T5S R23E
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from the Bluewater Creek, by means of a pump, from March 15 to June 30 and from September 1 to November 15 at 50 GPM up to 24 AF, from a transitory point of diversion in the NWSW Section 21 T5S R23E, Carbon County, for irrigation use from March 15 to June 30 and September 1 to November 15. The Applicant proposed to irrigate 8 AC. The place of use is generally located in NWSW Section 21 T5S R23E, Carbon County approximately one mile southeast of Fromberg, Montana. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Natural Resources and Conservation
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
Montana Natural Heritage Program
Montana Sage Grouse Habitat Conservation Program
United States Natural Resource Conservation Service
United States Fish and Wildlife Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – Bluewater Creek is not listed as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife and Parks (FWP). The FWP has an instream flow reservation on Bluewater Creek and would likely list the source if it were a concern. The proposed project only appropriates water from the source when the entire FWP instream flow reservation is exceeded. The proposed use will not cause a dewatered stream condition.

Determination: No Significant Impact

Water quality – The Montana Department of Environmental Quality (DEQ) does not list Bluewater Creek as threatened and assigns a trophic class of B1, suitable for all uses after conventional treatment. The DEQ lists some impairment to the stream related to nitrate, phosphorous, and silt concentrations likely due to agricultural uses. The proposed project uses sprinkler irrigation of approximately eight acres. Return flows are minimized by efficient irrigation and unlikely to degrade water quality.

Determination: No Significant Impact

Groundwater – Appropriation of surface water from Bluewater Creek has no potential to affect groundwater quality or quantity.

Determination: No Significant Impact

DIVERSION WORKS - The diversion for the proposed project is a mobile pump that would be placed in the creek at various places. No construction, channelization, rip rap or other impact to the channel are proposed. There will be no change to the riparian environment, flow modification or barriers.

Determination: No Significant Impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program, there are five animal species of concern and one plant species of concern within the township and range of the proposed project. The animal species are the Black-tailed Prairie Dog, Greater Sage Grouse, Spiny Softshell, Western Milksnake and Greater Short-horned Lizard. The plant species is the Swamp Milkweed. The project area is currently agricultural and no changes are proposed to habitat. The proposed project lies within mapped Sage Grouse habitat. The Montana Sage Grouse Habitat Conservation Program reviewed the proposed project and found it to be consistent with the program's strategy.

Determination: No Significant Impact

Wetlands – The only wetlands mapped by the United States Fish and Wildlife Service are riverine and limited to Bluewater Creek and the Clarks Fork Yellowstone River. There are narrow riparian zones adjacent to the riverine wetlands but no alteration of the streams or riparian buffer is anticipated.

Determination: No Significant Impact

Ponds – The proposed project will not remove or create any ponds.

Determination: No Significant Impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – The dominant soil in the project area is Haverson-Heldt silty clay loam with uniformly low slopes. This soil is well drained and non-saline to slightly saline. The low slope and salinity minimize any possibility of slope instability or saline seep.

Determination: No Significant Impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The existing vegetation is agricultural. The operation and transportation of the proposed irrigation system has a possibility of spreading or introducing noxious weeds. It will be the responsibility of the landowner to monitor and prevent the establishment or spread of noxious weeds.

Determination: No Significant Impact

AIR QUALITY – Sprinkler irrigation of agricultural land has no potential to negatively affect air quality.

Determination: No Impact

HISTORICAL AND ARCHEOLOGICAL SITES – The proposed project is not located on State or Federal Lands.

Determination: Not Applicable

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No demands on environmental resources not addressed above are recognized.

Determination: No Significant Impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals.

Determination: No Significant Impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – The proposed project will irrigate agricultural acres on private property. No roads or barrier to transportation

are anticipated. No access to recreational or wilderness activities exists across the project area and is no potential for degradation of recreation or wilderness areas.

Determination: No Impact

HUMAN HEALTH – Sprinkler irrigation of agricultural land has no potential to adversely affect human health.

Determination: No Impact

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No Impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No Significant Impact
- (b) Local and state tax base and tax revenues? No Significant Impact
- (c) Existing land uses? No Significant Impact
- (d) Quantity and distribution of employment? No Significant Impact
- (e) Distribution and density of population and housing? No Significant Impact
- (f) Demands for government services? No Significant Impact
- (g) Industrial and commercial activity? No Significant Impact
- (h) Utilities? No Significant Impact
- (i) Transportation? No Significant Impact
- (j) Safety? No Significant Impact
- (k) Other appropriate social and economic circumstances? No Significant Impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts are recognized.

Cumulative Impacts: No cumulative impacts are recognized.

3. ***Describe any mitigation/stipulation measures:*** None
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The only reasonable alternatives to consider are the proposed project and the no-action alternative. The no-action alternative prevents the Applicant from improving agricultural land and benefiting the State economy. The no-action alternative does not prevent any significant environmental impacts.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

- 2 ***Comments and Responses:***None

3. ***Finding:***
Yes___ No_X__ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were recognized in the preparation of this environmental assessment and, therefore, it is the appropriate level of analysis.

Name of person(s) responsible for preparation of EA:

Name: Mark Elison

Title: Hydrologist

Date: 1/30/2017